

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:11-CR-196
	§	
RICARDO VALDEZ (6)	§	

**AMENDED REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 6, 2018, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Lesley Brooks.

Ricardo Valdez was sentenced on May 29, 2014, before The Honorable Richard A. Schell of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Manufacture or Distribute or Possess with Intent to Manufacture or Distribute 100 Grams or More of a Mixture or Substance Containing Heroin; 5 Kilograms or More of a Mixture or Substance Containing a Detectable Amount of Cocaine; 280 Grams or More of a Mixture or Substance Containing Cocaine Base; 50 Grams or More of a Mixture or Substance Containing a Detectable Amount of Marijuana; or 3, 4-methylenedioxymethamphetamine, a Class A felony. This offense carried a statutory maximum imprisonment term of Life. The guideline imprisonment range, based on a total offense level of 27 and a criminal history category of IV, was 120 to 125 months. Ricardo Valdez was subsequently sentenced to 80 months imprisonment followed by 5 years supervised release, subject to the standard conditions of release, plus special conditions to include financial disclosure, drug treatment and testing, mental health treatment, obtain GED, and a \$100 special assessment fee.

On February 1, 2017, the offender's sentence was reduced to time served. On February 2, 2017, Ricardo Valdez completed his period of imprisonment and began service of the supervision term.

On December 7, 2017, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt.1485 Sealed]. The Petition asserted that Defendant violated five (5) conditions of supervision, as follows: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from any unlawful use of a controlled substance; (3) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; (4) Defendant shall notify the probation officer at least ten days prior to any change in residence or employment; and (5) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

The Petition alleges that Defendant committed the following acts: (1) On June 23, 2017, Ricardo Valdez was arrested in Dallas County, Texas, for Failure to ID- Fugitive from Justice. On July 3, 2017, he pled guilty to the offense and was sentenced to 33 days imprisonment in the County Criminal Court #9, Dallas County, Texas, in Case Number M-1757471-K; (2) On December 7, 2017, Ricardo Valdez was arrested in Dallas County, Texas, for Evading Arrest, Failure to ID Giving False/Fictitious Information, and Possession of a Controlled Substance. Mr. Valdez is currently in custody, and the charges are pending; (3) Defendant failed to submit a written report to the U.S. Probation Office for the months of April, May, June, July, August, September, October, and November 2017, as instructed; (4) On September 7, 2017, the probation officer attempted a home visit at the address of record and was informed by the Defendant's cousin that the Defendant no longer lived at the residence and had not lived there for several weeks. The

Defendant failed to notify the probation officer of this change and failed to provide his new residence; and (5) Defendant failed to notify the probation officer of his arrest on June 23, 3017.

Prior to the Government putting on its case, Defendant entered a plea of true to all five (5) of the allegations of the Petition. Having considered the Petition and the plea of true to all five (5) allegation of the Petition, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fourteen (14) months of imprisonment with forty-two (42) months of supervised release to follow. Within 72 hours of release from the custody of the Bureau of Prisons, you must report in person to the probation office in the federal judicial district where you are authorized to reside. While on supervised release, you must not commit another federal, state, or local crime. You must not unlawfully possess a controlled substance. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court. You must comply with the standard conditions that have been adopted by the Court. Additionally, the Court finds the special conditions originally imposed by the Court are still relevant and are reimposed as follows: (1) You must provide the probation officer with access to any requested financial information for purposes of monitoring efforts at maintaining lawful employment; and (2) You must participate in a program of testing and treatment for drug abuse, and follow the rules

and regulations of that program until discharged. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You must pay any cost associated with treatment and testing

The Court also recommends that Defendant be housed in the Bureau of Prisons facility in the North Texas area, if appropriate.

**SIGNED this 15th day of March, 2018.**

A handwritten signature in black ink, appearing to read 'C.A. Nowak', is written above a horizontal line.

Christine A. Nowak  
UNITED STATES MAGISTRATE JUDGE